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MONTANA LEGISLATIVE HISTORY

Chapter 596 ~~19~~ 2003

Bill H _____ S 130 Original bill & history X C

H. Committee on NATURAL RESOURCES

Hearing Date(s) 3/14 X C

& EXEC. ACTION ? _____ C

EXEC. ACTION 3/28 X C

_____ C

Date Out _____ C

S. Committee on NATURAL RESOURCES

Hearing Date(s) 1/15 X C

1/29 X C

EXEC ACTION 2/3 X C

_____ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

NOTE: AMENDED ON HOUSE FLOOR; AMENDMENT INCLUDED

FREE CONFERENCE COMMITTEE: 4/14

MINUTES INCLUDED, NO EXHIBITS

SENATE BILL NO. 130

INTRODUCED BY D. MCGEE

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AND THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AUTHORITY FOR A LICENSING AGREEMENT BETWEEN THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR THE RECREATIONAL USE OF STATE TRUST LAND FOR HUNTING, FISHING, AND TRAPPING PURPOSES; PROVIDING FOR THE RECREATIONAL USES OF STATE TRUST LAND FOR OTHER THAN HUNTING, FISHING, AND TRAPPING PURPOSES; PROVIDING THAT 15 PERCENT OF THE GROSS REVENUE RECEIVED AS A RESULT OF A RECREATIONAL USE LICENSING AGREEMENT BE DEPOSITED IN THE STATE LANDS RECREATIONAL USE ACCOUNT AND 85 PERCENT OF THE REVENUE RECEIVED BE ALLOCATED AMONG THE INSTITUTIONAL TRUSTS; PROVIDING THAT A LICENSING AGREEMENT BETWEEN THE DEPARTMENTS DOES NOT CONSTITUTE CONSIDERATION WITH REGARD TO THE RESTRICTION OF LIABILITY OF A LANDOWNER; INCLUDING LICENSING AGREEMENT RATES AS ONE OF THE ACTIONS FOR WHICH THE BOARD OF LAND COMMISSIONERS SHALL CONSIDER VARIOUS IMPACTS INCLUDING MANAGEMENT EXPENSES, WATER DEVELOPMENT, WEED CONTROL, AND FIRE CONTROL; PROVIDING AN EXEMPTION TO THE REQUIREMENT FOR A RECREATIONAL USE LICENSE FOR RECREATIONAL USE OF STATE TRUST LAND IF A RECREATIONAL USE LICENSING AGREEMENT IS REACHED BETWEEN THE TWO DEPARTMENTS AND OTHER COMPENSATION IS MADE TO THE INSTITUTIONAL TRUSTS TO COMPENSATE FOR USES OTHER THAN HUNTING, FISHING, AND TRAPPING; PROVIDING AN ALLOCATION SCHEME FOR REVENUE RECEIVED AS A RESULT OF A RECREATIONAL USE LICENSING AGREEMENT; PROVIDING RULEMAKING AUTHORITY FOR THE BOARD OF LAND COMMISSIONERS FOR THE IMPLEMENTATION AND ADMINISTRATION OF A RECREATIONAL USE LICENSING AGREEMENT; ADDING ACQUISITION OF ACCESS AND MAINTENANCE OF ROADS NECESSARY FOR PUBLIC RECREATIONAL USE OF STATE TRUST LAND AS A QUALIFIED USE OF FUNDS IN THE RECREATIONAL USE ACCOUNT; INCREASING THE RESIDENT AND NONRESIDENT WILDLIFE CONSERVATION LICENSE FEES BY $1.25 EACH; AMENDING SECTIONS 70-16-302, 77-1-106, 77-1-801, 77-1-802, 77-1-804, 77-1-808, AND 87-2-202, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

WHEREAS, the Department of Natural Resources and Conservation presently authorizes the public to use state school trust land through individual recreational use licenses; and

WHEREAS, the primary recreational uses of state school trust land are hunting and fishing; and

WHEREAS, the Department of Natural Resources and Conservation and the Department of Fish, Wildlife, and Parks wish to provide a more efficient system for authorizing public recreational use for hunting, fishing, and trapping on state trust land and concurrently provide greater benefit to the institutional beneficiaries of the trust; and

WHEREAS, the Department of Fish, Wildlife, and Parks has the discretionary authority in section 87-1-209, MCA, to enter into a licensing agreement on behalf of the public for the recreational uses of school trust land for hunting, fishing, and trapping; and

WHEREAS, the Department of Fish, Wildlife, and Parks needs additional revenue to offset the cost of a general licensing agreement with the Department of Natural Resources and Conservation to secure the recreational rights of hunting, fishing, and trapping on state trust land; and

WHEREAS, the Department of Natural Resources and Conservation and the Department of Fish, Wildlife, and Parks have reached an agreement that, given the legislative authority, they intend to enter into a licensing agreement for the recreational use of school trust land parcels for hunting, fishing, and trapping purposes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Recreational use licensing agreement for hunting, fishing, and trapping.** (1) The board is authorized to license the department of fish, wildlife, and parks to make parcels of state trust land as described in 77-1-401 available for recreational use by the public for hunting, fishing, and trapping purposes. The department may impose restrictions it considers necessary to coordinate the uses of state trust land or to preserve the purposes of the various trust lands. Hunting, fishing, and trapping on state trust land must be conducted in accordance with rules and provisions provided in this part.

(2) A license may be issued to the department of fish, wildlife, and parks for a term of up to 10 years. Through this licensing agreement, the board shall recover for the institutional beneficiaries of the trust the full market value of the public recreational rights that are conveyed. Fifteen percent of the gross receipts from a license must be deposited in the state lands recreational use account established in 77-1-808. The remaining 85% must be apportioned on a pro rata basis to the land trusts, in proportion to the respective trust's percentage

of acreage in the total acreage of all state land trusts.

(3) During any period that the department of fish, wildlife, and parks has obtained a license for recreational use by the public for hunting, fishing, and trapping on parcels of state trust land, an individual recreational use license under 77-1-801 or 77-1-802 may not be required for a member of the public to hunt, fish, or trap upon the parcels affected by the license agreement.

NEW SECTION. **Section 2. Recreational uses of state trust lands for other than hunting, fishing, or trapping -- funds.** (1) The public may use state trust land for recreational uses other than hunting, fishing, and trapping under restrictions and regulations established by the board pursuant to 77-1-804 if:

(a) the various trusts are fully compensated for the recreational use of state trust land by the public for hunting, fishing, and trapping purposes through a licensing agreement with the department of fish, wildlife, and parks pursuant to [section 1]; and

(b) the department:

(i) fully compensates the various trusts for recreational uses other than hunting, fishing, and trapping; or

(ii) requires a recreational use license under 77-1-801 for these other uses.

(2) The department, in lieu of requiring a recreational use license for these other uses under 77-1-801, may fully compensate the various trusts for these other recreational uses in a manner and in an amount separate and apart from [section 1] and that is approved by the board.

(3) Funds received from the department of fish, wildlife, and parks as a result of a recreational use licensing agreement may only be:

(a) used to compensate the trusts for the public's use of state trust land for hunting, fishing, and trapping; and

(b) deposited in the state lands recreation use account as provided in [section 1].

Section 3. Section 70-16-302, MCA, is amended to read:

"70-16-302. Restriction on liability of landowner. (1) A person who uses property, including property owned or leased by a public entity, for recreational purposes, with or without permission, does so without any assurance from the landowner that the property is safe for any purpose if the person does not give a valuable consideration to the landowner in exchange for the recreational use of the property. The landowner owes the person no duty of care with respect to the condition of the property, except that the landowner is liable to the

person for any injury to person or property for an act or omission that constitutes willful or wanton misconduct. For purposes of this section, valuable consideration does not include the state land recreational use license fee imposed under 77-1-802 or other funds provided under [sections 1 and 2].

(2) As used in this part, "landowner" means a person or entity of any nature, whether private, governmental, or quasi-governmental, and includes the landowner's agent, tenant, lessee, occupant, grantee of conservation easement, water users' association, irrigation district, drainage district, and persons or entities in control of the property or with an agreement to use or occupy property.

(3) As used in this part, "property" means land, roads, water, watercourses, and private ways. The term includes any improvements, buildings, structures, machinery, and equipment on property.

(4) The department of fish, wildlife, and parks, when operating under an agreement with a landowner or tenant to provide recreational snowmobiling opportunities, including but not limited to a snowmobile area, subject to the provisions of subsection (1), on the landowner's property and when not also acting as a snowmobile area operator on the property, does not extend any assurance that the property is safe for any purpose, and the department, the landowner, or the landowner's tenant may not be liable to any person for any injury to person or property resulting from any act or omission of the department unless the act or omission constitutes willful or wanton misconduct."

Section 4. Section 77-1-106, MCA, is amended to read:

"77-1-106. Setting of rates or fees -- rules. (1) In setting the lease rental rates, licensing agreement rates, or fees for the use of state lands and cabin sites, the board shall consider the impact of the uses on the school trust asset, lessee expenses for management, water development, weed control, fire control, the term of the lease, the production capabilities, the conditions on the lease payment, and any other required expenses reasonably borne by the lessee. In setting cabin site lease rates, the board shall consider expenses that are commonly incurred by the lessees to preserve the value of the state land or to provide services commonly provided by private lessors in the area.

(2) All lease rental rates, licensing agreement rates, and fees established by the board under 77-1-208, 77-1-802, [section 1], [section 2], 77-6-202, 77-6-501, 77-6-502, and 77-6-507 must consider the trust asset and be in the best interests of the state with regard to the long-term productivity of the school trust lands, while optimizing the return to the school trust.

(3) The board shall comply with Title 2, chapter 4, part 3, in setting rental rates, licensing agreement rates, and license fees pursuant to 77-1-208, 77-1-802, [section 1], [section 2], 77-6-202, 77-6-501, 77-6-502,

and 77-6-507."

Section 5. Section 77-1-801, MCA, is amended to read:

"77-1-801. Recreational use license required to use state lands for general recreational purposes -- penalty -- exemption. (1) ~~A~~ Except as provided in subsections (3) and (4), a person 12 years of age or older shall obtain an annual recreational use license pursuant to 77-1-802 to use state lands, as defined in 77-1-101, for general recreational purposes.

(2) ~~A~~ Except as provided in subsections (3) and (4), a person shall, upon the request of a peace officer or fish and game warden, present for inspection ~~his~~ the person's recreational use license.

(3) If the department and the department of fish, wildlife, and parks consent to and sign a recreational use licensing agreement for hunting, fishing, and trapping purposes, as provided in [sections 1 and 2], a person is not required to obtain a recreational use license for use of state land parcels for hunting, fishing, and trapping purposes.

(4) If the department fully compensates the trusts for the recreational use of state trust land by the public for recreational purposes other than hunting, fishing, and trapping, as provided in [section 2], a person is not required to obtain a recreational use license for these other uses on state lands.

~~(3)~~(5) A violator of subsection (1) or (2) is guilty of a misdemeanor and shall be fined not less than $50 or more than $500, imprisoned in the county jail for not more than 6 months, or both."

Section 6. Section 77-1-802, MCA, is amended to read:

"77-1-802. Recreational use license -- fee. (1) The fee for a recreational use license must attain full market value~~.~~ whether the license is sold on an individual basis or on a group basis through a recreational use licensing agreement with the department of fish, wildlife, and parks as provided in [section 1].

(2) ~~Money~~ Except as provided in [sections 1 and 2], money received by the department from the sale of recreational use licenses must be credited as follows:

(a) Except as provided in subsection (2)(b), license fees must be apportioned on a pro rata basis to the land trusts, in proportion to the respective trust's percentage ~~contribution to~~ of acreage in the total acreage of all state land trusts.

(b) Two dollars from the fee for each license, less 50 cents to be returned to the license dealer as a commission, must be deposited in the state lands recreational use account established by 77-1-808.

(3) ~~The~~ If the department and the department of fish, wildlife, and parks do not agree to a recreational

use licensing agreement, the department may contract with the department of fish, wildlife, and parks for the distribution and sale of recreational use licenses through the license agents appointed by and the administrative offices of the department of fish, wildlife, and parks and in accordance with the provisions of Title 87, chapter 2, part 9."

Section 7. Section 77-1-804, MCA, is amended to read:

"77-1-804. Rules for recreational use of state lands -- penalty. (1) The board shall adopt rules authorizing and governing the recreational use of state lands allowed under 77-1-203. The board shall use local offices of the department to administer this program whenever practical.

(2) Rules adopted under this section must address the circumstances under which the board may close legally accessible state lands to recreational use, including parcels subject to the recreational use licensing agreement provided for in [section 1]. Action by the board may be taken upon its own initiative or upon petition by an individual, organization, corporation, or governmental agency. Closures may be of an emergency, seasonal, temporary, or permanent nature. State lands may be closed by the board only after public notice and opportunity for public hearing in the area of the proposed closure, except when the department is acting under rules adopted by the board for an emergency closure. Closed lands must be posted by the lessee at customary access points, with signs provided or authorized by the department.

(3) Closure rules adopted pursuant to subsection (2) may categorically close state lands whose use or status is incompatible with recreational use. Categorical or blanket closures may be imposed on state lands due to:

(a) cabin site and homesite leases and licenses;

(b) the seasonal presence of growing crops; and

(c) active military, commercial, or mineral leases.

(4) The board shall adopt rules that provide an opportunity for any individual, organization, or governmental agency to petition the board for purposes of excluding a specified portion of state land from a categorical closure that has been imposed under subsection (3).

(5) Under rules adopted by the board, state lands may be closed on a case-by-case basis for certain reasons, including but not limited to:

(a) damage attributable to recreational use that diminishes the income-generating potential of the state lands;

(b) damage to surface improvements of the lessee;

(c) the presence of threatened, endangered, or sensitive species or plant communities;

(d) the presence of unique or special natural or cultural features;

(e) wildlife protection;

(f) noxious weed control; or

(g) the presence of buildings, structures, and facilities.

(6) Rules adopted under this section may impose restrictions upon general recreational activities, including the discharge of weapons, camping, open fires, vehicle use, and any use that will interfere with the presence of livestock. The board may also by rule restrict access on state lands in accordance with a block management program administered by the department of fish, wildlife, and parks. Motorized vehicle use by recreationists on state lands is restricted to federal, state, and dedicated county roads and to those roads designated by the department to be open to motorized vehicle use.

(7) (a) The board shall adopt rules providing for the issuance of a recreational special use license. Commercial or concentrated recreational use, as defined in 77-1-101, is prohibited on state lands unless it occurs under the provisions of a recreational special use license. The board may also adopt rules requiring a recreational special use license for recreational use that is not commercial, concentrated, or within the definition of general recreational use.

(b) If the department and the department of fish, wildlife, and parks both consent to and sign a recreational use licensing agreement, the board shall adopt rules for implementation and administration of the licensing agreement as provided in [section 1].

(8) For a violation of rules adopted by the board pursuant to this section, the department may assess a civil penalty of up to $1,000 for each day of violation. The board shall adopt rules providing for notice and opportunity for hearing in accordance with Title 2, chapter 4, part 6. Civil penalties collected under this subsection must be deposited as provided in 87-1-601(7)."

Section 8. Section 77-1-808, MCA, is amended to read:

"77-1-808. State lands recreational use account. (1) There is a state lands recreational use account in the state special revenue fund provided for in 17-2-102.

(2) There must be deposited in the account:

(a) all revenue received from the recreational use license established by 77-1-802; ~~and~~

(b) 15% of the revenue received as a result of licensing the department of fish, wildlife, and parks for the public recreational rights of hunting, fishing, and trapping as provided in [section 1]; and

~~(b)~~(c) money received by the department in the form of legislative appropriations, reimbursements, gifts, federal funds, or appropriations from any source intended to be used for the purposes of this account.

(3) Money deposited in the state lands recreational use account must be used by the department for the following purposes:

(a) compensation pursuant to 77-1-809 for damage to the improvements of leases that has been proved to be caused by recreational users;

(b) assistance in weed control management necessary as a result of recreational use of state lands;

(c) protection of the resource value of the trust assets; ~~and~~

(d) administration and management for the implementation of recreational use of state lands~~.~~; and

(e) acquisition of access and maintenance of roads necessary for public recreational use of state trust land and other related uses."

Section 9. Section 87-2-202, MCA, is amended to read:

"87-2-202. (Temporary) Application -- fee -- expiration. (1) A wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the time of application for licensure.

(2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident wildlife conservation licenses may be purchased for a fee of ~~$4~~ $5.25.

(b) Nonresident wildlife conservation licenses may be purchased for a fee of ~~$7~~ $8.25.

(c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access enhancement fee of $2 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs

established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only once during any license year.

(d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access enhancement fee of $10 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable only once during any license year.

(4) Licenses issued are void after the last day of February next succeeding their issuance.

[(5) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(6) The department shall delete the applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Terminates March 1, 2006--sec. 9, Ch. 216, L. 2001; bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001.)

87-2-202. (Effective March 1, 2006) Application -- fee -- expiration. (1) A wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the time of application for licensure.

(2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident wildlife conservation licenses may be purchased for a fee of ~~$4~~ $5.25.

(b) Nonresident wildlife conservation licenses may be purchased for a fee of ~~$7~~ $8.25.

(4) Licenses issued are void after the last day of February next succeeding their issuance.

[(5) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(6) The department shall delete the applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001.)"

NEW SECTION. **Section 10. Codification instruction.** [Sections 1 and 2] are intended to be codified as an integral part of Title 77, chapter 1, part 8, and the provisions of Title 77, chapter 1, part 8, apply to [sections 1 and 2].

NEW SECTION. **Section 11. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 12. Effective date.** [This act] is effective March 1, 2004.

- END -

Bill Draft Number: LC0360
Bill Type - Number: SB 130
Short Title: Revise laws on recreational use of trust land
Primary Sponsor: Dan McGee

Bill Actions - **Current Bill Progress:** Became Law

Bill Action Count: 106

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	05/09/2003			
(S) Signed by Governor	05/09/2003			
(S) Transmitted to Governor	04/30/2003			
(H) Signed by Speaker	04/29/2003			
(S) Signed by President	04/29/2003			
(S) Returned from Enrolling	04/29/2003			
(C) Sent to Printing	04/28/2003			
(C) Sent to Printing	04/26/2003			
(S) Sent to Enrolling	04/24/2003			
(H) 3rd Reading Free Conference Committee Report Adopted	04/24/2003	67	33	
(H) Scheduled for 3rd Reading	04/24/2003			
(H) 2nd Reading Free Conference Committee Report Adopted	04/23/2003	74	26	
(S) Revised Fiscal Note Received	04/23/2003			
(H) Scheduled for 2nd Reading	04/23/2003			
(S) Revised Fiscal Note Requested	04/22/2003			
(S) 3rd Reading Free Conference Committee Report Adopted	04/21/2003	45	2	
(S) Scheduled for 3rd Reading	04/21/2003			
(S) 2nd Reading Free Conference committee Report Adopted on Voice Vote	04/17/2003	50	0	
(S) Scheduled for 2nd Reading	04/17/2003			
(S) Free Conference Committee Report Received	04/16/2003			(S) Free Conference
(H) Free Conference Committee Report Received	04/16/2003			(H) Free Conference
(S) Hearing	04/15/2003			(S) Free Conference
(H) Free Conference Committee Appointed	04/14/2003			(H) Free Conference
(S) Free Conference Committee Appointed	04/12/2003			(S) Free

				Conference
(S) 2nd Reading House Amendments Not Concurred on Voice Vote	04/11/2003	48	0	
(S) Scheduled for 2nd Reading	04/11/2003			
(S) Revised Fiscal Note Printed	04/10/2003			
(S) Revised Fiscal Note Signed	04/09/2003			
(S) Revised Fiscal Note Received	04/09/2003			
(H) Returned to Senate with Amendments	04/05/2003			
(H) 3rd Reading Concurred	04/05/2003	63	35	
(H) Scheduled for 3rd Reading	04/05/2003			
(S) Revised Fiscal Note Requested	04/04/2003			
(C) Sent to Printing	04/03/2003			
(H) 2nd Reading Concurred as Amended	04/03/2003	55	44	
(H) 2nd Reading Motion to Amend Carried	04/03/2003	51	48	
(H) Scheduled for 2nd Reading	04/03/2003			
(H) Scheduled for 2nd Reading	04/02/2003			
(C) Sent to Printing	03/31/2003			
(H) Committee Report--Bill Concurred as Amended	03/31/2003			(H) Natural Resources
(H) Committee Executive Action--Bill Concurred as Amended	03/31/2003	15	3	(H) Natural Resources
(S) Revised Fiscal Note Signed	03/25/2003			
(S) Revised Fiscal Note Received	03/24/2003			
(H) Hearing	03/14/2003			(H) Natural Resources
(H) Referred to Committee	03/07/2003			(H) Natural Resources
(H) First Reading	03/07/2003			
(S) Revised Fiscal Note Requested	02/26/2003			
(S) Revised Fiscal Note Printed	02/25/2003			
(S) Revised Fiscal Note Signed	02/24/2003			
(S) Revised Fiscal Note Received	02/24/2003			
(S) Transmitted to House	02/10/2003			
(S) 3rd Reading Passed	02/10/2003	48	1	
(S) Revised Fiscal Note Printed	02/10/2003			
(S) Scheduled for 3rd Reading	02/10/2003			
(S) 2nd Reading Passed on Voice Vote	02/08/2003	49	0	
(S) Scheduled for 2nd Reading	02/08/2003			
(S) Revised Fiscal Note Signed	02/07/2003			
(S) Revised Fiscal Note Received	02/07/2003			
(S) Motion Carried	02/07/2003			
(S) 2nd Reading Passed Consideration	02/07/2003			

(S) Scheduled for 2nd Reading	02/07/2003		
(C) Sent to Printing	02/05/2003		
(S) Committee Report--Bill Passed as Amended	02/05/2003		(S) Natural Resources
(S) Revised Fiscal Note Requested	02/05/2003		
(S) Committee Executive Action--Bill Passed as Amended	02/05/2003	11	0 (S) Natural Resources
(S) Fiscal Note Printed	01/15/2003		
(S) Fiscal Note Signed	01/15/2003		
(S) Hearing	01/15/2003		(S) Natural Resources
(S) Fiscal Note Received	01/15/2003		
(S) First Reading	01/06/2003		
(S) Referred to Committee	12/30/2002		(S) Natural Resources
(S) Fiscal Note Requested	12/26/2002		
(C) Introduced Bill Text Available Electronically	12/23/2002		
(S) Introduced	12/23/2002		
(C) Pre-Introduction Letter Sent	12/11/2002		
(C) Draft in Assembly/Executive Director Review	12/11/2002		
(C) Draft in Final Drafter Review	12/11/2002		
(C) Draft in Input/Proofing	12/11/2002		
(C) Draft to Drafter - Edit Review [CMD]	12/10/2002		
(C) Draft in Edit	12/10/2002		
(C) Draft in Legal Review	12/10/2002		
(C) Draft Back for Redo	12/10/2002		
(C) Draft Taken by Drafter	12/10/2002		
(C) Pre-Introduction Letter Sent	12/03/2002		
(C) Draft in Assembly/Executive Director Review	12/02/2002		
(C) Draft in Final Drafter Review	11/29/2002		
(C) Bill Draft Text Available Electronically	11/27/2002		
(C) Draft in Input/Proofing	11/27/2002		
(C) Draft to Drafter - Edit Review [CMD]	11/27/2002		
(C) Draft in Edit	11/26/2002		
(C) Draft in Legal Review	11/26/2002		
(C) Draft to Requester for Review	11/19/2002		
(C) Draft Back for Requester Changes	11/19/2002		
(C) Draft to Requester for Review	11/13/2002		
(C) Draft Back for Requester Changes	11/12/2002		
(C) Draft On Hold	11/06/2002		
(C) Draft to Requester for Review	11/01/2002		
(C) Draft to Requester for Review	10/16/2002		

(C) Draft Taken Off Hold	10/15/2002
(C) Draft On Hold	10/11/2002
(C) Draft Taken Off Hold	10/09/2002
(C) Draft On Hold	10/07/2002
(C) Draft Taken Off Hold	09/23/2002
(C) Draft On Hold	09/20/2002
(C) Fiscal Note Needed	07/31/2002
(C) Draft Request Received	07/31/2002

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name Mi
Requester	Environmental Quality Council	
Drafter	Lee Evans	Krista
By Request Of	Department of Fish, Wildlife, and Parks	
By Request Of	Department of Natural Resources and Conservation	
Primary Sponsor	McGee	Dan

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
State Lands		Simple	STLA
Recreation/Parks/Sports		Simple	REC

Additional Bill Information

Probable Fiscal Note: Yes
Preintroduction Required: Y
Session Law Ch. Number: 596
DEADLINE
Category: General Bills
Transmittal Date: 02/28/2003
Return (with 2nd house amendments) Date: 04/05/2003

Section Effective Dates

Section(s)	Effective Date	Date Qualified
All Sections	01-MAR-04	

MINUTES

MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN BILL TASH,** on January 15, 2003 at 3 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bill Tash, Chairman (R)
Sen. Aubyn Curtiss, Vice Chairman (R)
Sen. Sherm Anderson (R)
Sen. Gregory D. Barkus (R)
Sen. Jon Ellingson (D)
Sen. Rick Laible (R)
Sen. Bea McCarthy (D)
Sen. Dan McGee (R)
Sen. Gary L. Perry (R)
Sen. Glenn Roush (D)

Sen. Ken Toole (D)

Members Excused: Sen. Debbie Shea (D)

Members Absent: None.

Staff Present: Krista Lee Evans, Legislative Branch
Roberta Opel, Committee Secretary

Video-Taped Committees: This is the video log of a committee hearing. The log provides a list of participants and a record official action taken by he committee. A video-taped recording of the meeting is available from the Montana Historical Society.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 88, 1/15/2003; SB 99, 1/15/2003; SB 103, 1/15/2003; SB 130, 1/15/2003
Executive Action: None

Questions from Committee Members and Responses:

4:07pm Begin
4:26pm End
32 minutes Elapsed time

Closing by Sponsor:

4:27pm **SEN. LAIBLE** proposed amendments to SB 99 and closed on the hearing. EXHIBIT**(nas08a01)**

HEARING ON SB 103

Opening Statement by Sponsor: SEN. RICK LAIBLE, SD 30, Victor, opened on SB 103 regarding the Orphan Share Transfer.

Proponents' Testimony:

4:28pm Sandi Olsen, Remediation Division Administrator, MT. Dept. of Environmental Quality (EQC)EXHIBIT**(nas08a02)**

Opponents' Testimony:

Questions from Committee Members and Responses:

Closing by Sponsor:

4:30pm **SEN. LAIBLE** closed on SB 103.

HEARING ON SB 130

Opening Statement by Sponsor: SEN. DAN MCGEE, SD 11, Laurel, presented SB 130; providing authority for an agreement between the MT. Dept. of Fish, Wildlife and Parks (FWP) and the MT. Dept. of Natural Resources and Conservation (DNRC)to compensate state trust land beneficiaries.

Proponents:

4:43pm Bud Clinch, Director, DNRC
4:53pm Linda McCulloch, Supt. of Public Instruction
EXHIBIT**(nas08a03)**
4:57pm Jeff Hagener, Director, FWP EXHIBIT**(nas08a04)**
4:43pm Tony Schonnen, MT. Coalition for Management of State Lands, Public Lands Access
5:00pm Bill Holdorf, Skyline Sportsmen
5:02pm John Wilson, representing Trout Unlimited

Opponents:

5:08pm John Bloomquist, MT. Stockgrower's Association
5:16pm Nancy Schlepp, MT. Farm Bureau

Questions from the Committee Members and Responses:

5:21pm Begin
5:47pm End
26 min Elapsed time

Closing by Sponsor:

5:48pm **SEN. MCGEE** closed on SB 130.

SENATE NATURAL RESOURCES
EXHIBIT NO. 2
DATE 1/15/2003
BILL NO. SB 130

Montana Office of Public Instruction

Linda McCulloch
State Superintendent

SB 130-Sponsored by Senator Dan McGee
January 15, 2003
Supt. Linda McCulloch's Remarks

For the record, I am Linda McCulloch, State Supt. of Public Instruction and a member of the Montana State Board of Land Commissioners. Thank you for your time today. I come before you to voice my support for SB 130. I thank Senator Dan McGee for sponsoring the bill.

As a member of the Land Board, I support SB 130 for the following reasons:

1. Sen. McGee's bill increases income to the school trust.

The fiscal note estimates an increase of $191,000 in the first full year of implementation. Currently, we sell 39,000 licenses at $10 – this would be nearly a 50% increase to the trust by adding $1.25 to each MT conservation license sold

2. SB 130 assures that we receive fair reimbursement to the trust for use of the state trust lands.

As a Land Board member, I requested that the agencies design the proposal you see in this bill in response to issues raised during the past year. MonTRUST has argued that our current $10 recreation license fee is inadequate. The current fee would have to be raised to $25 to generate the target "fair market value." At $25, it is very likely that we would sell significantly fewer recreational licenses. Raising the recreational license by 150% is not in the interest of maximizing revenue to the trust -- if it results in decreased license sales and overall money.

3. This proposed legislation decreases both the management cost and effort of FWP & DNRC to collect fees and enforce the rules.

Only one license will be required, which saves money in printing, purchasing, and processing. The two agencies most interested in this issue deserve our support. They have agreed to work together to avoid duplication of effort and ensure fair return to the school trust for use of the trust lands.

4. SB 130 simplifies and clarifies the rules for our customers who pay to use state and other public lands for hunting, fishing, trapping, and all forms of recreation.

Many users of state trust lands aren't even aware that the current $10 recreational license is required. The additional $1.25 is not significant for most conservation license purchasers compared to the $10 recreational fee that is added to hunt, fish, and trap on trust lands.

In closing, I understand there are some administrative challenges related to the distribution of the fees collected under the system proposed in this bill. However, I am confident that the agencies involved can negotiate those issues to the satisfaction of all interested parties.

I encourage you to give SB 130 a "DO PASS" recommendation. Thank you for your time today and thanks again to Senator McGee.

• 1227 11th Avenue • PO Box 202501 • Helena, Montana 59620-2501 •
tel: (406) 444-7362 • fax: (406) 444-2893 • TDD (406) 444-1812 • www.metnet.state.mt.us

SENATE NATURAL RESOURCES
EXHIBIT NO. 4
DATE 1/15/2003
BILL NO. SB 130

Senate Bill 130
January15, 2002
Presented by Jeff Hagener
Senate Natural Resources Committee

Mr. Chairman and members of the committee, for the record I am Jeff Hagener, Director of the Montana Department of Fish, Wildlife & Parks (FWP).

Senate Bill 130 is an act providing authority for a licensing agreement between the Department of Natural Resources and Conservation (DNRC) and FWP for the recreational use of state trust lands for hunting, fishing and trapping. It increases the cost of a resident and nonresident wildlife conservation license by $1.25 to fund the agreement and eliminates the need for the current state recreational use permit.

As background information, following the passage of HB 778 in 1992, Montana sportsmen were required to purchase a state recreational use permit for $5 for all recreational use of state trust land. This program was created to authorize recreational use on legally accessible state trust lands and to capture the value of that use for the benefit of the school trust fund. In 1996, the cost of the permit was raised to $10 for individuals and $20 for a family. Youths and seniors remained at the $5 rate. This increase was made to better reflect the market value of recreational use on state lands.

Need for an Alternative – It has long been thought, that the sales of the recreational use license is not indicative of the actual use. Over the past 10 years, average conservation license sales amounted to 460,000 per year. During that same period average sales of the Recreational Use License amounted to approximately 34,000 per year. Considering the mixed patchwork of state, federal and private lands throughout Montana. It is fair to assume that more than 34,000 of the 460,000 license holders inadvertently utilize state lands for fishing, hunting, or trapping. Every year, hunters and fisherman are cited for utilizing state lands without a recreational use license. In most cases, that use was either inadvertent, or the individual was unaware that a special license is necessary for accessing state school trust land since no additional license is necessary to access BLM, Forest Service, or other state lands.

The current system is costly from an administrative standpoint. FWP withholds 22 cents for each recreational use license sold, and license vendors receive a 50 cent commission. In 2001, FWP retained $8,600 in administrative fees and license vendors received $16,513 in commissions.

The system is also burdensome to sportsmen in that they are required to purchase an additional license, and it may fail to capture the actual recreational use on state lands. To address these problems, DNRC and FWP have worked together to develop an alternative that will reduce the burden for sportsmen, increase revenues to the school trust, and will reduce the administrative costs of operating the system.

This bill would authorize DNRC to enter into a license agreement with FWP that will enable all individuals that hold a conservation license the right to fish, hunt, or trap on legally accessible state land. The fee for the conservation license would increase by $1.25 and 100 percent of the revenue generated by the increase would be returned to DNRC to compensate the school trust for hunting, fishing, and trapping on state land.

This bill increases revenues to the school trust, removes the burden of purchasing an additional license, compensates the trust for the inadvertent use of school trust land that occurs today, and more equitably distributes the cost of hunting, fishing, and trapping on state land across a greater number of sportsmen thereby reducing the cost of state land access to the individual. With this legislation in place, we all come out ahead.

DATE JAN 15, 2003

SENATE COMMITTEE ON NATURAL RESOURCES

BILLS BEING HEARD TODAY: SB 88 - SB 99
SB 103 - SB 130

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
ALBERT H. BROWN	446-1595	MONTANA OIL, GAS & COAL COUNTIES	SB 88		
BILL HOLDORF	494-6023	SKYLINE SPORTSMEN	SB 130	X	
Tony Schoonen	782-1560	Public Lands Access State Lands Coalition	SB 130	X	
" "	"	" " "	SB 99		X
ROBIN CUNNINGHAM	763-5436	FISHING OUTFITTERS ASSN OF MONTANA	SB 99		X
ELLEN ENGSTED	443-1566	MT WOOD PRODUCTS	SB 99	X	
Tom Schultz	4978	DNRC	SB 99, 130	X	
Judi Olsen	444-3006	DEQ	SB 103	X	
Tommy Butler	444-3776	DNRC	SB 99 SB 130	✓	
BUD CLINCH	444-2074	DNRC	SB 99 SB 130	✓	
Jeff Hagener	444-3186	FWP	SB 130	X	
DAVE SCOLE	307 660-2140	MONTANA OIL & GAS			
Rich E Miller	449-2481	Gaming Industry Assoc	SB 99		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE Jan 15 03

SENATE COMMITTEE ON S Nat Rscs

BILLS BEING HEARD TODAY: SB88; SB99; SB103
SB130

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Gail Abercrombie	442-7582	MT Petroleum Assn	88	✓	
Nancy Schlepp	570-4105	MT Farm Bureau	130		✓
Dan Judge	442-2968	Teamsters Local	170		X
M Sue Good	434-8785	Anesthesiology On the side	SB 99		X
George Ochenski	442-9151	MT. State Parks Endowment Action Fund	SB 99		X
Anne Hedges	443-2520	MEIC	SB99		X
Jack Stultz	4416665	DNRC - Water	SB88	✓	
Dave Smith	447-2307	BNJ	130		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN BILL TASH**, on January 29, 2003 at 3 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bill Tash, Chairman (R)
Sen. Aubyn Curtiss, Vice Chairman (R)
Sen. Sherm Anderson (R)
Sen. Gregory D. Barkus (R)
Sen. Jon Ellingson (D)
Sen. Rick Laible (R)

Sen. Dan McGee (R)
Sen. Gary L. Perry (R)
Sen. Glenn Roush (D)
Sen. Debbie Shea (D)
Sen. Ken Toole (D)

Members Excused: Sen. Bea McCarthy (D)

Members Absent: None.

Staff Present: Roberta Opel, Committee Secretary
Krista Lee Evans, Legislative Branch

Video-taped Committees: This is the video log of a committee hearing. The log provides a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society.

Committee Business Summary:

Hearing & Date Posted:	SB 244, 1/24/2003; SB 245, 1/24/2003
Executive Action:	SB 130

Note: Written testimony submitted by John Bohlinger, on behalf of Eileen Morris, Billings resident. EXHIBIT **(nas19a13)**

Opponents' Testimony:

3:47pm Gail Abercrombie, MT. Petroleum Association
EXHIBIT **(nas19a14)**
3:50pm Leland Griffin, MT. Refining Company
3:53pm David De Bats, Exxon-Mobil Billings Refinery
3:57pm Don Allen, on behalf of Cenex Refinery, Billings
4:02pm Steve Wade, Conoco/Phillips
4:02pm Charles Brooks, Billings Chamber of Commerce
4:05pm Jan Sensibaugh, Director, MT. Dept. Of Environmental Quality(EQC) EXHIBIT **(nas19a15)**
4:10pm David Mosdal, Montana Sulphur and Chemical

Questions from Committee Members and Responses:

4:19pm Begin
4:47pm End
47 min Elapsed time

Closing by Sponsor:

4:52pm **SEN. BOHLINGER** closed on **SB 245.**

Discussion:

4:53pm **SEN. MCGEE discussed the grey bill related to SB 130.**
EXHIBIT **(nas19a16)**

Exhibit: 16

This exhibit is a collection of several documents which cannot be scanned because they exceed the maximum amount that can be scanned.

If you wish to view this exhibit it is on file at the
Montana Historical Society
225 North Roberts Street
Helena, MT 59701
(406) 444-4774

MINUTES

MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN BILL TASH**, on February 3, 2003 at 3:10 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bill Tash, Chairman (R)
Sen. Aubyn Curtiss, Vice Chairman (R)
Sen. Sherm Anderson (R)
Sen. Gregory D. Barkus (R)
Sen. Jon Ellingson (D)
Sen. Rick Laible (R)
Sen. Bea McCarthy (D)
Sen. Dan McGee (R)
Sen. Gary L. Perry (R)
Sen. Glenn Roush (D)
Sen. Ken Toole (D)

Members Excused: Sen. Debbie Shea (D)

Members Absent: None.

Staff Present: Shirley Herrin, Committee Secretary
Krista Lee Evans, Legislative Branch

Video-taped Committee: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society.

Committee Business Summary:

Hearing & Date Posted: HB 43, 1/30/2003; HB 102, 1/30/2003
Executive Action: SB 130, HB 102, HB 43, SB 244

EXECUTIVE ACTION ON SB 130

Motion: **SEN. MCGEE** moved that **SB 130 DO PASS.** He presented the amendments SB 13002.akl EXHIBIT**(nas23a01)** and the grey bill. Krista Lee Evans explained the amendments.

Discussion:
3:15 Begin
3:25 Ended
10 min Time elapsed

Motion: **SEN. MCGEE** moved the amendments listed above.

Discussion:
3:27 Krista Lee Evans further explained the amendments.
3:29 Ended
2 min Time elapsed.

Vote: Motion **carried 11-0.**

Motion/Vote: **SEN. MCGEE** moved that **SB 130 DO PASS AS AMENDED. Motion carried 11-0.**

HEARING ON HB 43

Opening Statement by Sponsor: **REP. JILL COHENOUR, HD 51, Helena**
3:32 "Revise asbestos control act".

Proponents' Testimony:
3:34 Don Vidrine, DEQ EXHIBIT**(nas23a02)**

Opponents' Testimony:
3:38 None

Questions from Committee Members and Responses:
3:39 Begin
3:42 Ended
3 min Time elapsed

Closing by Sponsor: **REP. COHENOUR** closed on HB 43 .

SENATE NATURAL RESOURCES
EXHIBIT NO. 1
DATE FEB 3, 2003
BILL NO. SB 130

Amendments to Senate Bill No. 130
1st Reading Copy

Requested by Senator Dan McGee

For the Senate Natural Resources Committee

Prepared by Krista Lee Evans
January 28, 2003 (7:36pm)

1. Title, page 1, line 6.
Following: "FOR"
Strike: "A LICENSING"
Insert: "AN"

2. Title, page 1, line 8 through line 10.
Strike: "FOR THE RECREATIONAL" on line 8 through "TRAPPING PURPOSES" on line 10
Insert: "TO COMPENSATE STATE TRUST LAND BENEFICIARIES FOR THE USE AND IMPACTS ASSOCIATED WITH HUNTING, FISHING, AND TRAPPING ON LEGALLY ACCESSIBLE STATE TRUST LANDS AS DEFINED IN DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION RULES"

3. Title, page 1, line 11.
Following: "THAT"
Strike: "15"
Insert: "10"
Following: "RESULT OF"
Strike: "A RECREATIONAL" on line 11 through "LICENSING" on line 12
Insert: "THE"

4. Title, page 1, line 13.
Strike: "85"
Insert: "90"
Strike: "INSTITUTIONAL"

5. Title, page 1, line 14.
Following: "PROVIDING THAT"
Strike: "A LICENSING"
Insert: "AN"

6. Title, page 1, line 16.
Strike: "LICENSING AGREEMENT RATES"
Insert: "FEES FOR HUNTING, FISHING, AND TRAPPING PURPOSES PURSUANT TO AN AGREEMENT BETWEEN THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS"

7. Title, page 1, line 20.
Following: "LAND"
Insert: "FOR HUNTING, FISHING, AND TRAPPING PURPOSES"
Strike: "A RECREATIONAL USE LICENSING"
Insert: "AN"

8. Title, page 1, line 21 through line 22.
Strike: "AND OTHER COMPENSATION" on line 21 through "TRAPPING" on line 22

9. Title, page 1, line 23.
Following: "RESULT OF"
Strike: "A RECREATIONAL USE LICENSING"
Insert: "AN"

10. Title, page 1, line 24 through line 25.
Strike: "PROVIDING" on line 24 through "AGREEMENT;" on line 25

11. Title, page 1, line 26.
Following: "ADDING"
Strike: "ACQUISITION OF ACCESS AND"

12. Title, page 1, line 29.
Strike: "$1.25"
Insert: "$2"
Strike: "77-1-804,"

13. Page 2, line 10.
Following: "into"
Strike: "a licensing"
Insert: "an"

14. Page 2, lines 10 and 11.
Following: "agreement"
Strike: "on behalf of the public"
Insert: "to compensate state trust land beneficiaries"
Following: "for the"
Strike: "recreational uses of school" on line 10 through "trust land for" on line 11
Insert: "use and impacts associated with"

15. Page 2, line 11.
Following: "trapping"
Insert: "on legally accessible state trust land as defined by department of natural resources and conservation rule"

16. Page 2, lines 13 and 14.
Strike: "a general licensing"
Insert: "an"
Following: "Conservation to"
Strike: "secure" on line 13 through "rights of" on line 14
Insert: "compensate state trust land beneficiaries for the use and impacts associated with"

17. Page 2, line 14.
Following: "trapping on"
Insert: "legally accessible"

18. Page 2, lines 16 and 17.
Strike: "a licensing"
Insert: "an"

19. Page 2, line 22.
Following: "**use**"
Strike: "**licensing**"

20. Page 2, line 23.
Following: "**trapping**"
Insert: "**on legally accessible state trust land**"

21. Page 2, lines 23 and 24.
Following: "authorized to"
Strike: "license"
Insert: "enter into an agreement with"
Following: "parks to"
Strike: "make parcels" on line 23 through "public for" on line 24
Insert: "compensate state trust land beneficiaries for the use and impacts associated with"

22. Page 2, line 25.
Following: "trapping"
Strike: "purposes"
Insert: "on legally accessible state trust land as defined in department rule"

23. Page 2, line 28.
Following: "(2)"
Strike: "A license"
Insert: "An agreement"

24. Page 2, line 29.
Following: "Through this"
Strike: "licensing"
Following: "for the"
Strike: "institutional"

25. Page 2, line 30.
Following: "market value"
Strike: "of the public" through "conveyed"
Insert: "for the use and impacts associated with hunting, fishing, and trapping on legally accessible state trust land"

26. Page 2, line 30.
Strike: "Fifteen"
Insert: "Ten"
Following: "receipts from"
Strike: "a"

27. Page 3, line 1.
Strike: "license"
Insert: "the agreement"

28. Page 3, line 2.
Strike: "85%"
Insert: "90%"

29. Page 3, line 3.
Following: "trusts."
Insert: "(3) Any agreement entered into is subject to the following conditions:

(a) The department maintains sole discretion, throughout the term of the agreement, with regard to identifying legally accessible parcels, coordinating uses on state trust land, and any other necessary state trust land management decisions.

(b) An agreement between the department and the department of fish, wildlife, and parks may not convey any additional authority to the department of fish, wildlife, and parks."
Renumber: subsequent subsections

30. Page 3, lines 4 and 5.
Following: "parks"
Strike: "has obtained" on line 4 through "trust land" on line 5
Insert: "and the department have reached an agreement as provided in subsection (1)"

31. Page 3, line 7.
Following: "upon"
Strike: "the parcels affected by the license agreement"
Insert: "legally accessible state trust land"

32. Page 3, line 9 through line 26.
Strike: section 2 in its entirety
Renumber: subsequent sections

33. Page 4, line 6.
Strike: "[sections 1 and 2]"
Insert: "[section 1]"

34. Page 4, line 22.
Strike: "licensing"

35. Page 4, line 29.
Strike: "licensing"

36. Page 4, line 30.
Strike: "[section 2],"

37. Page 5, line 3.
Strike: "licensing"

38. Page 5, line 4.
Strike: "[section 2],"

39. Page 5, line 9.
Strike: "subsections"
Insert: "subsection"
Strike: "and (4)"

40. Page 5, line 12.
Strike: "subsections"
Insert: " subsection"
Strike: "and (4)"

41. Page 5, lines 14 and 15.
Following: "sign"
Strike: "a recreational" on line 14 through "licensing" on line 15
Insert: "an"

42. Page 5, line 15.
Strike: "[sections 1 and 2]"
Insert: "[section 1]"

43. Page 5, line 16.
Following: "use of"
Insert: "legally accessible"
Following: "state"
Insert: "trust"
Following: "land"
Strike: "parcels"

44. Page 5, line 18 through line 20.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections

45. Page 5, line 25.
Following: "**use**"
Strike: "**license**"
Following: "fee for"
Strike: "a"
Following: "use"
Strike: "license"
Insert: "on state trust land"

46. Page 5, line 26 through line 27.
Following: "through"
Strike: "a recreational" on line 26 through "licensing" on line 27
Insert: "an"

47. Page 5, line 28.
Strike: "Except" through ", money"
Insert: "Money"

48. Page 6, line 5 through line 6.
Strike: "If the" on line 5 through ", the" on line 6
Insert: "The"

49. Page 6, line 11 through page 7, line 29.
Strike: section 7 in its entirety
Renumber: subsequent sections

50. Page 8, line 6.
Following: "(b)"
Strike: "15%"

Insert: "10%"
Following: "result of"
Strike: "licensing"
Insert: "an agreement with"

51. Page 8, line 7.
Following: "the"
Strike: "public recreational rights"
Insert: "use and impacts"

52. Page 8, line 17.
Following: "(e)"
Strike: "acquisition of access and"

53. Page 8, line 18.
Following: "land"
Strike: "and other related uses"

54. Page 9, line 3.
Following: "~~$4~~"
Strike: "$5.25"
Insert: "$6"

55. Page 9, line 4.
Following: "~~$7~~"
Strike: "$8.25"
Insert: "$9"

56. Page 10, line 10.
Following: "~~$4~~"
Strike: "$5.25"
Insert: "$6"

57. Page 10, line 11.
Following: "~~$7~~"
Strike: "$8.25"
Insert: "$9"

58. Page 10, line 18.
Insert: "NEW SECTION. **Section 8. Contingent voidness.** (1) If the department of natural resources and conservation and the department of fish, wildlife, and parks do not sign an agreement to compensate state trust land beneficiaries for the use and impacts associated with hunting, fishing, and trapping on state trust land by [the effective date of this act], then [this act] is void. The department of natural resources and conservation

shall notify the code commissioner of the failure to reach an agreement.

(2) (a) If an agreement between the department of natural resources and conservation and the department of fish, wildlife, and parks to compensate state trust land beneficiaries for the use and impacts associated with hunting, fishing, and trapping on state trust land is terminated prior to the expiration date of the agreement, then [this act] is void upon termination. The department of natural resources and conservation shall notify the code commissioner of the termination.

(b) If the department of natural resources and conservation and the department of fish, wildlife, and parks do not enter into a renewal agreement prior to the expiration date of an agreement, then [this act] is void on the expiration date of the agreement. The department of natural resources and conservation shall notify the code commissioner of the expiration.

(3) If a court of competent jurisdiction determines that the agreement to compensate state trust land beneficiaries for the use and impacts associated with hunting, fishing, and trapping on state trust lands is invalid, then [this act] is void on the date the court's judgment is final. The department of natural resources and conservation shall notify the code commissioner of the entry of the judgment.

(4) If the department of natural resources and conservation and the department of fish, wildlife, and parks receive written notice from the regional director of the United States fish and wildlife service that [this act] will result in a loss of federal fish and wildlife funds, then [this act] is void. The department of natural resources and conservation shall notify the code commissioner that the department has received a notice and the date upon which the notice was received."

Renumber: subsequent sections

59. Page 10, line 20.
Strike: "[Sections 1 and 2] are"
Insert: "[Section 1] is"

60. Page 10, line 21 and 22.
Strike: "[sections 1 and 2] "
Insert: "[section 1]"

- END -

SENATE
NATURAL RESOURCES COMMITTEE
ROLL CALL

DATE FEB. 5, 2003

MEMBER	ASSIGNMENT	PRESENT	EXCUSED	ABSENT
Sen. Bill Tash	Chairman	✓		
Sen. Sherm Anderson	Member	✓		
Sen. Greg Barkus	Member	✓		
Sen. Jon Ellingson	Member	✓		
Sen. Rick Laible	Member	✓		
Sen. Bea McCarthy	Member	✓		
Sen. Dan McGee	Member	✓		
Sen. Gary Perry	Member	✓		
Sen. Glenn Roush	Member	✓		
Sen. Debbie Shea	Member	✓		
Sen. Ken Toole	Member	✓		
Sen. Aubyn Curtiss	Vice Chair	✓		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN CINDY YOUNKIN**, on March 14, 2003 at 3:22 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Cindy Younkin, Chairman (R)
Rep. Gail Gutsche, Vice Chairman (D)
Rep. Jim Peterson, Vice Chairman (R)
Rep. Debby Barrett (R)
Rep. Larry Cyr (D)
Rep. Sue Dickenson (D)
Rep. Ron Erickson (D)
Rep. George Everett (R)
Rep. Kim Gillan (D)
Rep. Christopher Harris (D)
Rep. Carol Lambert (R)
Rep. Michael Lange (R)
Rep. Rick Maedje (R)
Rep. Bruce Malcolm (R)
Rep. Brad Newman (D)
Rep. John (Jack) W. Ross (R)
Rep. Scott Sales (R)
Rep. Veronica Small-Eastman (D)

Members Excused: None.

Members Absent: None.

Staff Present: Kathleen Ely, Committee Secretary
Larry Mitchell, Legislative Branch

Video-taped Committee: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society. THE TIME STAMP REPRESENTS ELAPSED TIME.

Committee Business Summary:
Hearing & Date Posted: SB 137, 3/7/2003; SB 130, 3/7/2003
Executive Action: SB 137, BE CONCURRED IN, 18-0
SB 146, BE CONCURRED IN AS AMENDED, 18-0

HEARING ON SB 137

Opening Statement by Sponsor:
0:00 **SEN. DEPRATU, SD 40 -- Short Title:** Procedure for commercial leasing of state trust land.

Proponents' Testimony:
07:00 Bud Clinch, Department of Natural Resources and Conservation

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:
23:00

Closing by Sponsor:
37:00

HEARING ON SB 130

Opening Statement by Sponsor:
37:00 **SEN. MCGEE, SD 11 -- Short Title:** Revise laws on recreational use of trust land.

Proponents' Testimony:
47:00 Bud Clinch, Department of Natural Resources and Conservation
59:00 Linda McCullough, Office of Public Instruction
EXHIBIT **(nah54a01)**
1:03:00 Chris Smith, Department of Fish, Wildlife and Parks
EXHIBIT **(nah54a02)**
1:05:00 Steve Pilcher, Montana Stockgrowers Association

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:
1:07:00

Closing by Sponsor:
1:31:00
EXHIBIT **(nah54a03)**

EXECUTIVE ACTION ON SB 130

Discussion:
1:36:00 No action taken.

EXECUTIVE ACTION ON SB 130

Motion/Vote: **REP. MAEDJE moved that SB 137 BE CONCURRED IN. Motion carried unanimously** by voice vote.

EXECUTIVE ACTION ON SB 146

Motion: **REP. LAMBERT moved that SB 146 BE CONCURRED IN.**

Motion/Vote: **REP. PETERSON moved that SB 146 BE AMENDED. Motion carried unanimously** by voice vote.
EXHIBIT **(nah54a04)**

Motion: **REP. LAMBERT moved that SB 146 BE CONCURRED IN AS AMENDED.**

Motion: **REP. MAEDJE moved that SB 146 BE AMENDED TO CHANGE ONE MEGAWATT TO FIVE MEGAWATTS. REP. MAEDJE** withdrew his amendment.

Vote: **Motion carried unanimously** by voice vote. **CHAIRMAN YOUNKIN** ruled that **THE BILL BE PLACED ON THE CONSENT CALENDAR.**

EXHIBIT 1
DATE 3-14-03
SB 130

Montana Office of Public Instruction

Linda McCulloch
State Superintendent

SB 130
March 14, 2003
Superintendent Linda McCulloch's Remarks

For the record, I am Linda McCulloch, State Supt. Of Public Instruction and member of the Montana State Board of Land Commissioners. Thank you for your time today. I come before you to voice my support for SB 130 as amended in the house. I thank Senator Dan McGee for sponsoring the bill and for the work done to work out the details of its implementation by all the interested parties.

As a member of the Land Board, I support SB 130 for the following reasons.

1. Sen. McGee's bill increases income to the school trust.
The revised fiscal note estimates an increase of $259,439 in FY '04 and $518,879 in FY '05. Currently, we sell 39,000 licenses at $10 – which generates about $315,000 for the school trust. The projected income from SB130 would be more than a 100% increase in FY '04, and a 300% increase in FY '05 to the common school trust by adding $2.00 to each MT conservation license sold.

2. SB 130 assures that we receive fair reimbursement to the trust for use of the state trust lands.
MonTRUST has argued that our current $10 recreation license fee is inadequate. The current fee would have to be raised to $25 to generate the target "fair market value." At $25, it is very likely that we would sell significantly fewer recreational licenses. Raising the recreational license by 150% is not in the interest of maximizing revenue to the trust -- if it results in decreased license sales and overall revenue. This bill generates a significantly higher rate of return than would be raised even if the recreational license fee was increased to $25.

3. This proposed legislation decreases both the management cost and effort of FWP & DNRC to collect fees and enforce the rules.
Only one license will be required, which saves money in printing, purchasing, and processing. The two agencies most interested in this issue deserve our support. They have agreed to work together to avoid duplication of effort and ensure fair return to the school trust for use of the trust lands.

4. SB 130 simplifies and clarifies the rules for our customers who pay to use state and other public lands for hunting, fishing, trapping, and all forms of recreation.
The additional $2.00 is not significant for most conservation license purchasers compared to the $10 recreational fee that is added to hunt, fish, and trap on trust lands.

I want to thank all those who have worked to make this bill better and who offer their support for it today.

In closing, I encourage you to give SB 130 a "DO PASS" recommendation. Thank you for your time today and thanks again to Sen. McGee!

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EXHIBIT 2
DATE 3-14-03
SB 130

Senate Bill 130
March 14, 2003
Presented by Chris Smith
House Natural Resources Committee

Mr. Chairman and members of the committee, I am Chris Smith, Chief of Staff for Montana Department of Fish, Wildlife & Parks (FWP).

Senate Bill 130 is an act providing authority for an agreement between the Department of Natural Resources and Conservation (DNRC) and FWP for the recreational use of legally accessible state trust lands for hunting, fishing and trapping. It increases the cost of a resident and nonresident wildlife conservation license by $2.00 to fund the agreement and eliminates the need for the current state recreational use permit.

As background information, following the passage of HB 778 in 1992, Montana sportsmen were required to purchase a state recreational use permit for $5 for all recreational use of state trust land. This program was created to authorize recreational use on legally accessible state trust lands and to capture the value of that use for the benefit of the school trust fund. In 1996, the cost of the permit was raised to $10 for individuals and $20 for a family. Youths and seniors remained at the $5 rate. This increase was made to better reflect the market value of recreational use on state lands.

Need for an Alternative – It has long been thought, that the sales of the recreational use license is not indicative of the actual use. Over the past 10 years, average conservation license sales amounted to 460,000 per year. During that same period average sales of the Recreational Use License amounted to approximately 34,000 per year. Considering the mixed patchwork of state, federal and private lands throughout Montana. It is fair to assume that more than 34,000 of the 460,000 license holders inadvertently utilize state lands for fishing, hunting, or trapping. Every year, hunters and fisherman are cited for utilizing state lands without a recreational use license. In most cases, that use was either inadvertent, or the individual was unaware that a special license is necessary for accessing state school trust land since no additional license is necessary to access BLM, Forest Service, or other state lands.

The current system is costly from an administrative standpoint. FWP withholds 22 cents for each recreational use license sold, and license vendors receive a 50 cent commission. In 2001, FWP retained $8,600 in administrative fees and license vendors received $16,513 in commissions.

The system is also burdensome to sportsmen in that they are required to purchase an additional license, and it may fail to capture the actual recreational use on state lands. To address these problems, DNRC and FWP have worked together to develop an alternative that will reduce the burden for sportsmen, increase revenues to the school trust, and will reduce the administrative costs of operating the system.

This bill would authorize DNRC to enter into an agreement with FWP that will enable all individuals that hold a conservation license the right to fish, hunt, or trap on legally accessible

state land. The fee for the conservation license would increase by $2.00 and 100 percent of the revenue generated by the increase would be returned to DNRC to compensate the school trust for hunting, fishing, and trapping on legally accessible state land.

This bill increases revenues to the school trust, removes the burden of purchasing an additional license, compensates the trust for the inadvertent use of legally accessible school trust land that occurs today, and more equitably distributes the cost of hunting, fishing, and trapping on legally accessible state land across a greater number of sportsmen thereby reducing the cost of state land access to the individual. With this legislation in place, we all come out ahead.

EXHIBIT 3
DATE 3-14-03
SB 130

Amendments to Senate Bill No. 130
3rd Reading Copy

For the House Natural Resources Committee

Prepared by Doug Sternberg
March 10, 2003 (1:48pm)

1. Page 12, line 8.
Insert: "NEW SECTION. **Section 10. Coordination instruction.** If Senate Bill No. 112 and [this act] are both passed and approved and if Senate Bill No. 112 includes an amendment to 87-2-202 that increases resident and nonresident wildlife conservation license fees by adding a 50-cent search and rescue surcharge, then the resident and nonresident wildlife conservation license fees in 87-2-202(3)(a) and (3)(b) of [this act] are increased by 50 cents."
Renumber: subsequent sections

- END -

HOUSE OF REPRESENTATIVES

Roll Call
NATURAL RESOURCES COMMITTEE

DATE 3-14-03

NAME	PRESENT	ABSENT	EXCUSED
REP. CINDY YOUNKIN, CHAIRMAN	✓		
REP. JIM PETERSON, VICE CHAIR, MAJORITY	✓		
REP. GAIL GUTSCHE, VICE CHAIR, MINORITY	✓		
REP. DEBBY BARRETT	✓		
REP. LARRY CYR	✓		
REP. SUE DICKENSON	✓		
REP. RON ERICKSON	✓		
REP. GEORGE EVERETT	✓		
REP. KIM GILLAN	✓		
REP. CHRISTOPHER HARRIS	✓		
REP. CAROL LAMBERT	✓		
REP. MIKE LANGE	✓		
REP. RICK MAEDJE	✓		
REP. BRUCE MALCOLM	✓		
REP. BRAD NEWMAN	✓		
REP. JACK ROSS	✓		
REP. SCOTT SALES	✓		
REP. VERONICA SMALL-EASTMAN	✓		

Montana House of Representatives
Visitors Register

NATURAL RESOURCES COMMITTEE Date 3/14/03

Bill No. SB 130 Sponsor(s) D Magee

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Steve Pilcher	MT Stockgrowers	X		
Bud Clinch	DNRC	X		
Chris Smith	FWP	X		
Tom Schultz	DNRC	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN CINDY YOUNKIN**, on March 28, 2003 at 3:17 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Cindy Younkin, Chairman (R)
Rep. Gail Gutsche, Vice Chairman (D)
Rep. Debby Barrett (R)
Rep. Larry Cyr (D)
Rep. Sue Dickenson (D)
Rep. Ron Erickson (D)
Rep. George Everett (R)
Rep. Kim Gillan (D)
Rep. Christopher Harris (D)
Rep. Carol Lambert (R)
Rep. Michael Lange (R)
Rep. Rick Maedje (R)
Rep. Bruce Malcolm (R)
Rep. Brad Newman (D)
Rep. John (Jack) W. Ross (R)
Rep. Scott Sales (R)
Rep. Veronica Small-Eastman (D)

Members Excused: Rep. Jim Peterson, Vice Chairman (R)

Members Absent: None.

Staff Present: Kathleen Ely, Committee Secretary
Larry Mitchell, Legislative Branch

Video-taped Committee: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society. THE TIME STAMP REPRESENTS ELAPSED TIME.

Committee Business Summary:

Hearing & Date Posted:	SB 366, 3/11/2003; SB 456, 3/11/2003
Executive Action:	SB 456, TABLED
	HB 725, TABLED
	SB 326, BE CONCURRED IN AS AMENDED, 16-2
	SB 130, BE CONCURRED IN AS AMENDED, 15-3

HEARING ON SB 456

Opening Statement by Sponsor:

0:00 **SEN. ESP, SD 13 -- Short Title:** Revise laws related to Hard-Rock Mining Impact Board.

Proponents' Testimony:

07:00 Page Dringman, Big Timber Grade School
23:00 Doug Lair, Chairman, Big Timber School Board
EXHIBIT **(nah66a01)**

Opponents' Testimony:

26:00 John Beaudry, Stillwater County Commissioners
29:00 Maureen Davey, Stillwater County Commissioners
EXHIBIT **(nah66a02)**
31:00 Christopher H. Allen, Stillwater Mining Company
EXHIBIT **(nah66a03)**
34:00 Harold Blattie, Montana Association of Counties
38:00 Tammy Johnson, Self
43:00 Elaine Allestad, Sweetgrass County Commissioner
46:00 Don Allen, Western Environmental Trade Association
47:00 Joe Mazurek, Stillwater Mining Company
49:00 Carol Ferguson, Self and Hard Rock Mining Impact Board
53:00 Angela Janacaro, Montana Mining Association

Informational Testimony: None.

Questions from Committee Members and Responses:

54:00

Closing by Sponsor:

1:09:00

HEARING ON SB 366

Opening Statement by Sponsor:

1:13:00 **SEN. GRIMES, SD 20 -- Short Title:** Revise metal mine reclamation laws.

Substitute Motion/Vote: **REP. DICKENSON made a substitute motion that HB 725 BE TABLED. Substitute motion carried 13-5 with REPS. BARRETT, EVERETT, LAMBERT, LANGE, and MAEDJE voting no** by voice vote with **REP. PETERSON** voting **aye** by verbal proxy of the Chairman and **REP. SALES** voting **aye** by written proxy.

EXECUTIVE ACTION ON SB 326

Motion: **REP. GUTSCHE moved that SB 326 BE CONCURRED IN.**

Substitute Motion/Vote: **REP. ERICKSON made a substitute motion that SB 326 BE TABLED. Substitute motion failed 8-10 with REPS. CYR, DICKENSON, ERICKSON, GILLAN, GUTSCHE, HARRIS, NEWMAN and SMALL-EASTMAN voting aye** by roll call vote with **REP. PETERSON** voting **no** by verbal proxy of the Chairman and **REP. SALES** voting **no** by written proxy.

Motion/Vote: **REP. LANGE moved that SB 326 BE AMENDED. Motion carried 10-8 with REPS. CYR, DICKENSON, ERICKSON, GILLAN, GUTSCHE, HARRIS, NEWMAN and SMALL-EASTMAN voting no** by voice vote with **REP. PETERSON** voting **aye** by verbal proxy of the Chairman and **REP. SALES** voting **aye** by written proxy.
EXHIBIT **(nah66a08)**

Motion: **REP. GILLAN moved that HB 326 B+E AMENDED WITH SECTIONS 5, 6, and 7 SEGREGATED.**
EXHIBIT **(nah66a09)**

Discussion:
2:26:00

Vote: **Motion carried 10-8 with REPS. BARRETT, EVERETT, LAMBERT, MALCOLM, PETERSON, ROSS, SALES, and YOUNKIN voting no** by roll call vote.

Motion: **REP. GILLAN moved that SB 326 BE CONCURRED IN AS AMENDED.**

Vote: **Motion carried 16-2 with REPS. EVERETT and MALCOLM voting no** by voice vote with **REP. PETERSON** voting **aye** by verbal proxy of the Chairman and **REP. SALES** voting **aye** by written proxy.

EXECUTIVE ACTION ON SB 130

Motion: **REP. ROSS moved that SB 130 BE CONCURRED IN.**

Motion/Vote: **REP. ERICKSON moved that SB 130 BE AMENDED. Motion carried 17-1 with REP. MAEDJE voting no** by voice vote with **REPS. PETERSON and SALES** voting **aye** by proxy vote.

Motion/Vote: **REP. ROSS moved that SB 130 BE CONCURRED IN AS AMENDED. Motion carried 15-3 with REPS. BARRETT, CYR, and MAEDJE voting no** by voice vote with **REP. PETERSON** voting aye by proxy vote. **REP. NOENNIG** will carry **SB 130.**

HOUSE OF REPRESENTATIVES

Roll Call
NATURAL RESOURCES COMMITTEE

DATE 3-28-03

NAME	PRESENT	ABSENT	EXCUSED
REP. CINDY YOUNKIN, CHAIRMAN	✓		
REP. JIM PETERSON, VICE CHAIR, MAJORITY			✓
REP. GAIL GUTSCHE, VICE CHAIR, MINORITY	✓		
REP. DEBBY BARRETT	✓		
REP. LARRY CYR	✓		
REP. SUE DICKENSON	✓		
REP. RON ERICKSON	✓		
REP. GEORGE EVERETT	✓		
REP. KIM GILLAN	✓		
REP. CHRISTOPHER HARRIS	✓		
REP. CAROL LAMBERT	✓		
REP. MIKE LANGE	✓		
REP. RICK MAEDJE	✓		
REP. BRUCE MALCOLM	✓		
REP. BRAD NEWMAN	✓		
REP. JACK ROSS	✓		
REP. SCOTT SALES	✓		
REP. VERONICA SMALL-EASTMAN	✓		

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HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **Senate Bill 130** (third reading copy -- blue) **be concurred in as amended.**

Signed: *Representative Cindy Younkin, Chair*

To be carried by Representative Jim Peterson

And, that such amendments read:

1. Page 12, line 8.
Insert: "NEW SECTION. **Section 10. Coordination instruction.** If Senate Bill No. 112 and [this act] are both passed and approved and if Senate Bill No. 112 includes an amendment to 87-2-202 that increases resident and nonresident wildlife conservation license fees by adding a 50-cent search and rescue surcharge, then the resident and nonresident wildlife conservation license fees in 87-2-202(3)(a) and (3)(b) of [this act] are increased by 50 cents."
Renumber: subsequent sections

- END -

Committee Vote:
Yes 15, No 3.

680816SC.hhn

3-31-03

Amendment Name: 701449CW.hhn

1. Title, line 13 through line 16.
Strike: "10" on line 13 through "PERCENT" on line 16
Insert: "ALL"

2. Page 3, line 12 through line 14.
Strike: "TEN" on line 12 through "90%" on line 14
Insert: "All of the gross receipts from the agreement"

3. Page 3, line 15.
Following: the last "trusts"
Insert: ", in accordance with Article X, section 5, of the Montana constitution. The department may not deduct any amount for administrative purposes prior to allocating the gross receipts to the respective trusts"

4. Page 8, line 26 through line 28.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections

- END -

MINUTES

MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON SENATE AMENDMENTS TO SENATE BILL 130

Call to Order: By **CHAIRMAN DAN MCGEE**, on April 15, 2003 at 4:00 P.M., in Room 350 Capitol.

ROLL CALL

Members Present:

Sen. Dan McGee, Chairman (R)
Rep. Jim Peterson, Vice-Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Mike Cooney (D)
Rep. Bob Lawson (R)
Rep. Gary Matthews (D)

Members Excused: None.

Members Absent: None.

Staff Present: Larry Mitchell, Legislative Branch
Mari Prewett, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 130, 4/14/2003
Executive Action:

SEN. MCGEE referred to the House Amendments and stated that they basically stripped the ten percent administrative fee that was proposed to be used by the Department of Natural Resources (DNRC) for the administration of the program. **SEN. MCGEE** further discussed the fee, its purpose and the amount of revenue that would be generated.

SEN. MCGEE informed the Committee that their purpose was to either accept the House amendments or amend them out.

SEN. COONEY stated that he was uncomfortable with the House amendments and he preferred the bill in its original form and did not see a conflict with the Constitution.

SEN. MCGEE pointed out to the Committee that there were two amendments put on by the House. The first being a coordination amendment. **SEN. MCGEE** asked Larry Mitchell, Legislative Services, to explain the coordination amendment.

Larry Mitchell remarked that the coordination instruction at first had been necessary for coordination with SB 112. He went on to say that it was now not needed. The reason being that SB 112 had changed from fifty cents to twenty-five cents, but had not yet been adopted by the House.

Mr. Mitchell suggested a technical amendment which would strike the word "50-CENTS" and insert "the amount of that surcharge."

Motion/Vote: SEN. BARKUS moved that the TECHNICAL AMENDMENT TO SB 130 BE ADOPTED. Motion carried 6-0 by voice vote.

Motion: SEN. BARKUS moved TO STRIP AMENDMENT 130-2 TO SB 130.

Discussion:

REP. PETERSON spoke in support of the proposed amendment. He stated that he had spoken against the House amendment when it was presented on the House floor. He went on to say that the reason the amendment had been brought forth was based on the Constitution and the constitutionality of putting one hundred percent of the proceeds into the Trust Fund. He concluded by saying that he felt some of the money needed to go back to the land.

REP. MATTHEWS stated that he could see the need for the ten percent and would support the amendment.

SEN. COONEY expressed his support of the amendment.

SEN. BARKUS stated he was in favor of stripping the House amendment. He went on to say that the Constitution was silent on the issue of income.

REP. LAWSON commented on his support of putting the bill back to its original form with the addition of the technical amendment.

SEN. MCGEE asked Joe Mazurek to give his perspective on monies generated by Trust Lands and the use of any of those monies for administrative purposes by the Department of Natural Resources to pay for the administration of Trust Lands. **Mr. Mazurek** stated that they had considered legislation of the proposed nature, but had never gotten it done. He continued that basic law was that typically a trustee took an administrative fee for management.

Motion/Vote: **REP. LAWSON moved that THE CONCEPTUAL AMENDMENT TO SB 130 BE ADOPTED. Motion carried 6-0 by voice vote.**

Motion/Vote: **SEN. COONEY moved that THE CONFERENCE COMMITTEE REPORT BE ADOPTED. Motion carried 6-0 by voice vote.**

{Tape: 1; Side: A; Approx. Time Counter: 0 - 12.5}